

Appl. No. 10/754,725
Amendment dated: July 6, 2006
Reply to OA of: April 6, 2006

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig.2c. This sheet, which includes Figs.2b to 2d, replaces the original sheet including Figs.2b to 2d. In Figure 2c, reference characters "21" and "22" have been used to designate different regions of the photoresist.

Attachment: Replacement Sheet

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REMARKS

Applicants have amended the specification and claims to more particularly point out and distinctly claim the invention in view of the outstanding Official Action. Claims 1 and 9 have been amended and the drawings corrected. Applicants most respectfully submit that the amendments to the drawing and claims are fully supported by the specification as originally filed. Applicants most respectfully submit that all of the claims now present in the application are in full compliance with 35 USC 112 and are clearly patentable over the references of record.

The objection to the drawings as failing to comply with 37 CFR 1.84 (p)(4) because in Figure 2c, reference characters "21" and "22" have both been used to designate the same region on the photoresist has been noted. Page 5 of the specification teaches that the masking particles are used to selectively photo-polymerized region 22 which was not covered by the masking particles while region 21 covered by the masking particles is not photo-polymerized. In Figure 2c, section 21 and 22 refer to the same regions in the photoresist polymer. Applicants have amended Figure 2c of the present patent application, as shown in the accompanying sheet of drawings. Accordingly, it is most respectfully requested that this objection be withdrawn.

The rejection to claims 1 to 12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is carefully considered but most respectfully traversed in view of the amendments to claims 1 and 9 as fully supported by the specification as originally filed. It is stated in the Official Action that it is unclear what is being etched in claim 1 step f because the photoresist layer has already been exposed and developed in claim 1 step d. Applicants have amended claims 1 and 9 of the present patent application, as shown in the aforesaid listing of claims to clarify the claims. Therefore, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 1 to 12 under 35 U.S.C. § 103(a) as being unpatentable over the Ueno et al. (US Pat. No. 4,664,748) in view of Wells et al. (US Pat. No.

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6,428,943), and Stasiak et al. (US Pat. No. 6,962,844) has been carefully considered but is most respectfully traversed.

Applicants wish to direct the Examiner's attention to the basic requirements of a prima facie case of obviousness as set forth in the MPEP § 2143. This section states that to establish a prima facie case of obviousness, three basic criteria first must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Section 2143.03 states that all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants also most respectfully direct the Examiner's attention to MPEP § 2144.08 (page 2100-114) wherein it is stated that Office personnel should consider all rebuttal argument and evidence presented by applicant and the citation of In re Soni for error in not considering evidence presented in the specification.

Applicants now wish to direct the Examiner's attention to Figure 1a of the first cited reference (Ueno et al.). As shown in the figure, the hyperfine particles of carbon black 2" is mixed in with the "positive-working photoresist 1" in the first cited reference (Ueno et al.). That is, the "hyperfine particles of carbon black 2" is not formed on the surface of the "positive-working photoresist 1", as the "masking particles" of the present patent

application.

Applicants most respectfully submit that since the preparation process of the "positive-working photoresist" of the first cited reference (Ueno et al.) must make sure that the "hyperfine particles of carbon black" are in evenly distributed state after it is mixed in the "positive-working photoresist", there is a lot of manufacturing factors to be considered and carefully controlled, such as the temperature of the "positive-working photoresist" before mixing, the dimension of the "hyperfine particles of carbon black", and the means to vibrate the "positive-working photoresist" after the "hyperfine particles of carbon black 2" is mixed in the "positive-working photoresist", etc. As a result, the preparation process of the "positive-working photoresist" with "hyperfine particles of carbon black" therein is much complicated than that of the photoresist of the present patent application.

Moreover, since the "hyperfine particles of carbon black" of the first cited reference (Ueno et al.) must be evenly distributed in the "positive-working photoresist" before the "positive-working photoresist" is formed on the "glass substrate", the "positive-working photoresist" with "hyperfine particles of carbon black " therein must be constantly vibrated or stirred, in order to break up any possible aggregation of the "hyperfine particles of carbon black", until the "positive-working photoresist" is formed on the surface of the "glass substrate".

On the contrary, as shown in figures 2a and 2b of the present patent application, the "masking particles 3" of the present patent application only need to be spread on the surface of the "first photoresist layer 2", which is formed on the "transparent substrate 1". There is no any "vibration process" required before the "first photoresist layer 2" is formed on the surface of the "transparent substrate 1". Moreover, by carefully selecting the region(s) of the surface of the "first photoresist layer 2" for the "masking particles 3" to be spread on, the distribution of the "masking particles 3" on the surface of the "first photoresist layer 2" can be further controlled. That is, the "masking particles 3" can be distributed on any region of the surface of the "first photoresist layer 2", which is impossible for the "surface roughening method" of the first cited reference (Ueno et

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al.), for the reason that the "hyperfine particles of carbon black 2" is already mixed in the "positive-working photoresist 1" before the "positive-working photoresist 1" is formed on the "glass substrate 3".

Therefore, any one skilled in the art cannot anticipate the method for manufacturing a diffuser for a backlight module of the present patent application (as claimed in claim 1) from the "surface roughing method" applying to a substrate of the "solar cell" of the first cited reference (Ueno et al.).

In order to reject claim 7 of the present patent application, the Examiner cited the second cited reference (Wells et al.), combining with the first cited reference (Ueno et al.), to indicate that the size of the "masking particle" of the present patent application is already well-known in the art. Regarding this rejection on claim 7 of the present patent application, the applicant would like to point out that since anyone skilled in the art cannot anticipate claim 1 of the present patent application from the first cited reference (Ueno et al.) for the reason(s) described above, the same people skilled in the art should not be able to anticipate claim 7 of the present patent application from the combination of the first cited reference (Ueno et al.) and the second cited reference (Wells et al.), either.

In a similar manner, the applicant would like to point out again that anyone skilled in the art cannot anticipate the "passivation layer" formed on the photoresist layer of the present patent application (as claimed in claims 2, 8, 10 and 11) from the combination of the first cited reference (Ueno et al.) and the third cited reference (Stasiak et al.).

Therefore, claims 1 to 12 of the present patent application are not unpatentable over the first cited reference (Ueno et al.), in view of the second cited reference (Wells et al.), and the third cited reference (Stasiak et al.). Accordingly, it is most respectfully requested that this rejection be withdrawn.


In view of the foregoing remarks, reconsideration and allowance of the application are now believed to be in order, and such action is hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal

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or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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